UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Bähren et al.	**GROUP:**	2152
SERIAL NO:	09/892,706	**EXAMINER:** Duyen My Doan	
FILED:	June 27, 2001		
FOR:	SYSTEM FOR INTER-NETWORK COMMUNICATIONS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer dated September 11, 2007 in order

to address several new contentions in the Examiner's Answer.

Entry of this Reply Brief is respectfully requested.

THE CLAIM AS A WHOLE MUST BE CONSIDERED

Claim 6 recites a network that has a feature of *"a proxy computer is installed in each of the plurality of network units other than the first network unit"*. (emphasis added, cl. 1). By this plain and unambiguous language the **claimed** first network does not include a proxy computer. The Examiner contends that this claimed feature should be read differently than the Applicant suggests, and in a way contrary to what the Applicant believes is clear and unambiguous claim language. Specifically, the Examiner contends *"[t]he above limitation does not excluding the first unit from having a proxy, further more, the specification (four pages) does not describe the first network unit does not include a proxy computer and only the remaining units include a proxy as applicant wished."* (Examiner's Answer pg. 9). The Applicant submits that the claim as a whole is not being considered. The express language of claim 6 states that a proxy computer is installed in each of the plurality of network units other than the first network unit. However, for some unknown reason it appears that the Examiner is going out of his way to read away the express claim language that *"a proxy computer is installed in each of the plurality of network units other than the first network unit"*. (emphasis added, cl. 6). The Applicant submits that the Examiner is not properly considering the claim as a whole and is not properly considering the claim language *"a proxy computer is installed in each of the plurality of network units other than the first network unit"*. (emphasis added, cl. 6).

THE CLAIM TERM "PROXY COMPUTER"

The Examiner's Answer contends that the specification of the present application does not explicitly define the term proxy. The Examiner contends the *" term "proxy" could be read into any type of interface, which enable a network unit to communicate with an interfaces of another network*

units. " (Examiner's Answer, pgs. 3-4). Examiner further contends *"[t]hroughout the specification does not suggest any caching content related nor required access control to each particular unit. Beside if the access controller needed, should it be more appropriated to install this feature at the first unit, which required an API. Therefore, examiner convinces that the term proxy, in context of the claim and the original specification, does not intend to be used as customary meaning of proxy, or acting as a firewall.* " (Examiner's Answer, pg. 8). For some unknown reason it appears that the Examiner is going out of his way to disregard the express claim language that *"a proxy computer is installed in each of the plurality of network units <u>other than the first network unit</u>".* (emphasis added, cl. 6). The term proxy is known, and the claim language "proxy computer" is a conventional term in the technical field of the claimed invention.

The Examiner seems to be confusing the enablement requirement (i.e., a 35 U.S.C. §112, first paragraph) and claim construction. The two are NOT the same. Specifically, the Examiner alleges *"[a]pplicant should noted that application is required to provide a full, clear and concise disclosure to enable one ordinary skill in the art to make and use without undue experimentation. By leaving off specific detail, applicant open door for an ordinary skill in the art, including examiner, to making broad interpretation.* " (Examiner's Answer, pg. 7). The undersigned attorney is confused regarding what legal theory the Examiner is attempting to rely upon to support his contention that the claim language "proxy computer" should not be given its ordinary and customary meaning. The Examiner even goes so far in the Answer to ask rhetorical questions that have no legal weight. Specifically, the Examiner poses the question *"[i]f applicant wished to use proxy other than allowing the API to interface with the device in the MOST network, such as to include security, caching or access control features, why not include such intention in the original specification.* " (Examiner's Answer, pg. 7). The undersigned attorney respectfully submits that such a foolish statement has no place in the

Examiner's Answer, and actually tends to further expose the confusing, partial, and incorrect legal theories that the Examiner is attempting to use to mask his practice of engaging in insidious hindsight.

As stated in the Applicant's Brief, the use of the term *"proxy computer"* in claim 6 is consistent with the known definition provided by the Examiner citing to the Microsoft Press Dictionary. Accordingly, proxy computer can not be construed as any type of interface as alleged by the Examiner since this is contrary to the ordinary meaning of the known to those skilled in the art.

CONCLUSION

For all the foregoing reasons, we submit that the rejection of claims 6, 8, 12, 14-18 and 23-25 is erroneous and reversal thereof is respectfully requested.

If there are any fees due in connection with the filing of this appeal brief, please charge them to our Deposit Account 50-3381

Respectfully submitted,

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